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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

ANTWON LEE ROOSEVELT WILLIAMS,

Plaintiff,

vs.

CLACKAMAS COUNTY, a political  
subdivision of the State of Oregon;  
JEANAMARIE K FISHER, an individual;  
MARISSA PHILLIPS, an individual; and  
MATT SAVAGE, an individual,

Defendants.

Case No.

COMPLAINT

VIOLATION OF RIGHTS TO PERSON  
UNDER 42 USC §1983

VULNERABLE PERSON CLAIM  
UNDER ORS 124.100

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial and alleges:

**INTRODUCTION**

1.

Plaintiff Antwon Lee Williams is a citizen of the United States of America.

2.

Clackamas County is an Oregon county, and a subdivision of the State of Oregon. Clackamas County Sheriff's Office is a subdivision of Clackamas County. All agents and employees of Clackamas County mentioned herein were at all times mentioned herein acting within the course and scope of their agency and employment.

3.

Jeanamarie K Fisher and Marissa Phillips were at all times mentioned herein deputies with the Clackamas County Sheriff's Office, acting under color of law and within the course and scope of their employment.

4.

Matt Savage was at all times mentioned herein a Sergeant with the Clackamas County Sheriff's Office, acting under color of law and within the course and scope of his employment.

5.

Antwon Williams is a person with a disability as defined by ORS 124.100(d). Mr. Williams has a diagnosis of Unspecified Intellectual Disability who is susceptible to force, threat, duress, coercion, persuasion or physical or emotional injury because of his mental impairment. Mr. Williams' disability is obvious to anyone that interacts with him.

6.

Clackamas County Sheriff's Office maintained a policy or custom that caused the deprivation of Antwon Williams' federally protected rights. By

failing to adequately supervise its employees and permitting the use of excessive force and cruel and unusual punishment the Clackamas County Sheriff's Office directly caused Mr. Williams to be subjected to excessive force, a violation of plaintiff's Constitutional rights under the Fourth and Eighth Amendments. Employees of the Clackamas County Sheriff's Office were aware that supervisors were not reprimanding or taking corrective actions in response to the use of excessive force which emboldened employees to continue using excessive force.

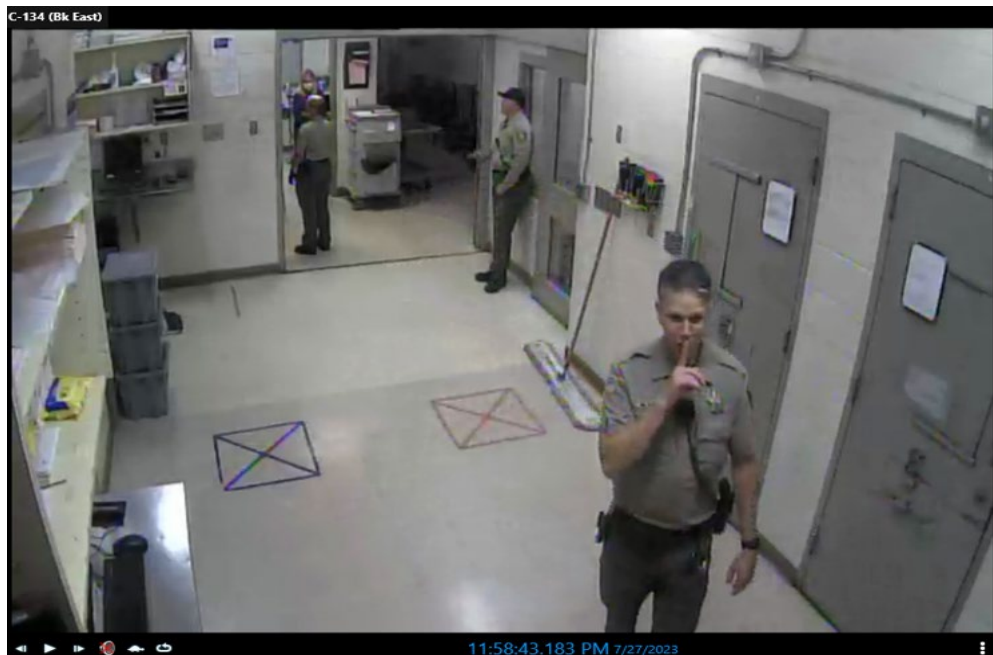
7.

On July 27, 2023, Plaintiff Antwon Williams, an African American man, was sleeping in a holding cell at the Clackamas County Jail in Oregon City, Oregon, when Deputy Jeanamarie Fisher and Deputy Marissa Phillips entered his cell and woke him up. The Deputies noticed that Mr. Williams was wearing multiple shirts. Deputy Fisher told Antwon Williams to take off one of the shirts he was wearing. He took it off and threw it at Deputy Fisher. Deputy Fisher then punched Antwon Williams in the face with a closed fist seven times while Deputy Phillips grabbed a hold of his right arm. The Deputies then pulled Mr. Williams to the ground and restrained him while kneeling on his back.

8.

At the time of the incident Deputy Fisher was the "Acting Booking Sergeant" at the Clackamas County Jail. Sergeant Matt Savage was the acting supervisor of both Deputy Marissa Phillips and Deputy Jeanamarie Fisher on

July 27, 2023. As part of his supervisory duties Sergeant Savage was responsible for signing off on Use of Force Reports written by both Deputy Fisher and Deputy Phillips. Immediately following the incident Deputy Fisher re-enacted the incident by crouching and throwing a punch while she was speaking to Deputy Phillips and Sergeant Savage. Shortly after watching and listening to Deputy Fisher's re-enactment, Sergeant Savage made a "shushing" gesture by putting his finger up to his lips, communicating to other employees that they should keep quiet about what they witnessed. Sergeant Savage's actions in encouraging others not to talk about the incident, in signing off on Use of Force Reports and in not reporting the unlawful use of force, showed an indifference to the deprivation of Mr. Williams rights as well as a ratification of both deputies' actions. This behavior was consistent with the continuous practice of ignoring or failing to take corrective action in response to the use of excessive force.



9.

Approximately five months earlier on February 24, 2023, another inmate at Clackamas County Jail named Travis Barrett Craig was assaulted in the booking area of the jail by Sergeant James Williams of the Clackamas County Sheriff's Office. During the incident Sergeant Williams grabbed Mr. Craig by the hair and slammed his head into a concrete wall several times while his hands were handcuffed behind his back. Sergeant Williams and two deputies then slammed Mr. Craig to a concrete floor. Mr. Craig suffered an orbital fracture and concussion from the assault. The Clackamas County Jail's use of force committee, which is comprised of Corrections lieutenants and a captain, reviewed and approved Sergeant Williams' use of force.

10.

Oregon State Sheriffs' Association Jail Standard A-111 requires corrections sheriffs to have an active policy and practice of consistently enforcing provisions of policy and procedure, including supervision of staff to facilitate compliance with jail policies and procedures. This standard also states that supervision of policy compliance should provide a means of reasonably ensuring that staff members comply with requirements and procedures and are held accountable for their actions and conduct.

11.

The above detention, and use of excessive force were intentional and were done without probable cause, justification or lawful basis, in violation of Plaintiff's Constitutional rights. As a result of the above-described use of

excessive force and cruel and unusual punishment, Plaintiff suffered injuries to his face; neck; chest; wrists; and suffered, continues to suffer, and will in the future suffer from pain, discomfort, disability, interference with ordinary activities, embarrassment, frustration, anger, humiliation, a sense of personal violation, and increased vulnerability, all to his noneconomic damages in an amount to be determined by a jury.

12.

The jury should be allowed to consider punitive damages in order to deter defendants Fisher and Phillips from this conduct and similar conduct by defendants Fisher and Phillips and others similarly situated in the future.

13.

Plaintiff is entitled to costs and attorney fees pursuant to 42 USC §1988.

**FIRST CLAIM FOR RELIEF**

**(Fourth and Fourteenth Amendments under 42 USC §1983 (Excessive Force) – Defendants Fisher, Phillips and the Clackamas County Sheriff's Office)**

14.

Plaintiff re-alleges and incorporates by reference all preceding paragraphs and the facts and allegations therein.

15.

The above-described excessive force was intentional, was done without justification or probable cause and was in violation of plaintiff's Constitutional rights under the Fourth Amendment, and such claims are made under 42 USC

§1983 against Deputy Jeanamarie Fisher, Deputy Marissa Phillips and the Clackamas County Sheriff's Office.

16.

Defendants Clackamas County, Fisher and Phillips, acting under the color of law, used excessive force by repeatedly punching the Plaintiff in the face with a closed fist by defendant Fisher, while defendant Phillips was holding onto Plaintiff's arm, preventing him from protecting his face. This force was not objectively reasonable under all of the circumstances. Moreover, these actions occurred despite the fact that a less excessive use of force or disciplinary warning was available. These actions taken by Clackamas County, Fisher and Phillips constitute excessive force.

**SECOND CLAIM FOR RELIEF**

**(Eighth and Fourteenth Amendments under 42 USC §1983 (Cruel and Unusual Punishment) – Defendants Fisher, Phillips and the Clackamas County Sheriff's Office)**

17.

Plaintiff re-alleges and incorporates by reference all preceding paragraphs and the facts and allegations therein.

18.

Under the Eighth Amendment, incorporated against State entities by the Fourteenth Amendment, a person in custody has the right to be free from "cruel and unusual punishments." A cruel and unusual punishment includes deliberate indifference to a serious risk of harm to an incarcerated person and

to using an unreasonable amount of force.

19.

Defendants Clackamas County, Fisher and Phillips, acting under the color of law, were aware of the pain and injury that would be caused by being repeatedly punched in the face with a closed fist by defendant Fisher, while defendant Phillips was holding onto his arm, preventing him from protecting his face. Moreover, these actions occurred despite the fact that a less excessive use of force was available. These actions taken by Clackamas County, Fisher and Phillips constitute excessive force.

20.

Clackamas County's, Fisher's and Phillips, actions were the direct and proximate cause of bodily injury, pain, loss of liberty, mental and emotional suffering, worry, fear, anguish, and medical expenses. Plaintiff is entitled to all of his damages, compensatory and punitive, in an amount to be ascertained according to proof at trial.

### **THIRD CLAIM FOR RELIEF**

**(Fourth and Fourteenth Amendments under 42 USC §1983 (Failure to Train) – Defendant Clackamas County Sheriff's Office)**

21.

Plaintiff re-alleges and incorporates by reference all preceding paragraphs and the facts and allegations therein.

22.

In addition to depriving Plaintiff of his constitutional rights as discussed



in the First and Second Claim for Relief, Clackamas County failed to train its Sheriff's Deputies on the proper use of force, including the appropriate use of a closed fist punch, restraining detainees, gaining control of restrained detainees and dealing with mentally ill detainees. Training in these areas was directly related to the type of work and duties performed by Sheriff's Officers at the Clackamas County Jail. Sheriff's Officers were in recurrent situations where noncompliant and mentally ill detainees ran the risk of disobeying Officers. Thus, restraint and proper use of force of a restrained and mentally ill individual were regular and expected.

23.

Use of force upon a restrained individual is inherently dangerous and can result in serious injury and death.

24.

Clackamas County's actions were the direct and proximate cause of bodily injury, pain, loss of liberty, mental and emotional suffering, worry, fear, anguish and medical expenses. Plaintiff is entitled to all of his damages, compensatory and punitive, in an amount to be ascertained according to proof at trial.

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**FOURTH CLAIM FOR RELIEF**

**(Eighth and Fourteenth Amendments under 42 USC §1983**

**(Supervisory Liability) – Defendants Clackamas County and Sergeant Matt  
Savage)**

25.

Plaintiff re-alleges and incorporates by reference all preceding paragraphs and the facts and allegations therein.

26.

Defendants Clackamas County and Sergeant Matt Savage violated Plaintiff's rights by failing to supervise and control deputies' conduct showing a deliberate indifference to Plaintiff's rights. Defendants thereby set in motion a series of acts by others which Defendants knew or reasonably should have known would cause others to inflict constitutional harms.

27.

This resulted in the unlawful assault on Plaintiff, in violation of his right to be free from cruel and unusual punishment guaranteed by the Eighth and Fourteenth Amendments to the United States Constitution.

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**FIFTH CLAIM FOR RELIEF**

**(Eighth and Fourteenth Amendments under 42 U.S.C. § 1983**

**(Cruel and Unusual Punishment) – Defendant Clackamas County—*Monell*  
claim)**

28.

Plaintiff re-alleges and incorporates by reference all preceding paragraphs and the facts and allegations therein.

29.

Defendant Clackamas County had a practice, custom or unofficial policy of permitting Clackamas County employees to use unlawful and excessive force against inmates of the Clackamas County Jail and ratifying this use of unlawful and excessive force by failing to properly supervise, train or hold their employees accountable. This practice and custom amounted to deliberate indifference to inmates' constitutional right to be free from excessive force and cruel and unusual punishment. Defendant Clackamas County knew or reasonably should have known this custom or practice would cause others to inflict constitutional harms. These customs and practices were the moving forces that resulted in the unconstitutional cruel and unusual punishment of Plaintiff. Plaintiff's injuries were a direct result of these constitutional violations.

30.

Defendants Fisher and Phillips were acting under color of state law and pursuant to this custom or practice when they unlawfully assaulted Plaintiff.

Defendant Clackamas County's custom or practice was the moving force in and resulted in Defendants Fisher and Phillips' unlawful assault on Plaintiff, in violation of Plaintiff's right to be free from cruel and unusual punishment guaranteed by the Eighth and Fourteenth Amendments to the United States.

**SIXTH CLAIM FOR RELIEF**

**(Abuse of a Vulnerable Person – State Law – Defendants Jeanamarie Fisher and Marissa Phillips)**

31.

Plaintiff re-alleges and incorporates by reference all preceding paragraphs and the facts and allegations therein.

32.

At all times mentioned herein, plaintiff was a vulnerable person within the meaning of ORS 124.100(1)(d) in that he is a person who is susceptible to physical and emotional injury because of the plaintiff's mental impairment.

33.

The conduct of defendants constituted physical abuse within the meaning of ORS 124.105.

34.

In the alternative to claims 1 through 5, to the extent that the defendants are found to have been acting outside the course and scope of their employment, the plaintiff is entitled to statutory treble damages and reasonable

attorney fees pursuant to ORS 124.100(2)(a), ORS 124.100(2)(b), and ORS 124.100(2)(c).

**PRAYER**

WHEREFORE, Plaintiff prays for judgment against Defendants Jeanamarie Fisher, Marissa Phillips, Matt Savage and Defendant Clackamas County for economic and noneconomic damages in amounts to be determined by the jury, for punitive damages in an amount to be determined by the jury against Clackamas County Sheriff's Office, and for his costs, expenses, and reasonable attorney fees incurred herein.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial on all questions so triable.

DATED 21<sup>st</sup> day of July 2025.

KAFOURY & MCDUGAL

/s/ Jason Kafoury

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